

Memo

To: Planning Board
From: Jacky Eubanks, Planning Director
Date: August 7, 2006
Re: Adoption of New Official Zoning Maps based on Small Area Plans and Unified Development Ordinance

Request:

The Planning Board to conduct a public hearing, receive comments and forward its recommendation to the Board of Commissioners on the attached official zoning maps which are based on the recommendations of the seven small area plans and the new zoning districts created in the Unified Development Ordinance.

Background/Review:

The Unified Development Ordinance establishes new zoning classifications for all properties in the County's planning jurisdiction. With the abolishment of the old zoning ordinance and its zoning classifications, the Board must adopt a new official zoning map. The new map will replace the old official zoning map in its entirety.

The attached zoning maps consist of "general" zoning and "overlay" zoning. The general zoning is the base zoning for each property. Every tract of land in the County's zoning jurisdiction will have a new general zoning district. The overlay zoning creates supplemental regulations for affected properties, which are additional regulations for areas such as watershed, floodplain, mixed-use corridor, etc. Some of the overlay zones are existing and some are new based on the recommendations of the small area plans. Locations where new doublewide manufactured homes will be allowed are shown on the overlay map as DWMH (Doublewide Manufactured Home). Approximately 19% of the County is shown in the DWMH overlay zone as compared to approximately 95% of the County currently zoned for singlewide and doublewide manufactured homes. There is no zoning district which allows new singlewide manufactured homes; although, singlewides can continue to be permitted in existing manufactured home parks and as replacements in hardship situations.

In determining how to convert the current zoning classifications into the new zoning districts the recommendations from the seven small area plans were used. Attached is the protocol used for making the transition from the old zoning to the new zoning designations.

Residential property

Properties that are currently zoned residential will remain residential but the density, or minimum lot size requirement for new lots, is based on the small area plan recommendations. Existing residential lots which are less than the zoning district designation, such as a 20,000 square foot lot in a R-30 district, will be grandfathered in. Zoning permits for these nonconforming lots will be issued provided they can meet the setback requirements. Approximately 50% of the area of the County is proposed to be zoned R-80, which requires approximately a 2-acre lot size for new lots based on the recommendations of the seven small area plans. The remaining 50% of the County allows for lower density ranging from R-20 (half-acre lots) to R-40 (one-acre lots).

Non-residential property

The existing non-residential zoning (commercial, office-institutional and industrial) was converted to the corresponding new non-residential zoning based on the attached protocol. Properties that were zoned C-3, which was a nonconforming commercial district, were reviewed on a case-by-case basis. If the C-3 property had an existing commercial building, whether it was actively being used or abandoned, it was zoned to Rural Commercial or Highway Commercial dependent upon their use so the property would not be nonconforming. The C-3 properties that were vacant were zoned to a residential district based on the density in the small area plans.

Flood maps

The County received new preliminary 100-year flood maps as part of the State's cooperative agreement with FEMA to produce an updated flood study for the Catawba River Basin. The new flood maps now include flood elevations for all rivers, streams and the Catawba River lakes based on new development activity which has occurred since the original flood maps were adopted in 1980 and updated topography. Attached is a map which shows a comparison of the current flood designation with the new preliminary maps. The County is required to notify affected property owners and allow public comment on the preliminary maps, similar to a rezoning process. Staff has included notification of the preliminary flood maps with the notice for the UDO rezoning action in order to meet this statutory requirement. The preliminary flood maps are shown as an overlay on the zoning maps but will not be adopted as part of the final zoning maps. The State has a statutory 90-day review period for public comment and appeals/protests which began August 3 and will end on November 3. The State will then reconcile any appeals and issue a final determination letter (FDL). The FDL triggers a 6-month compliance period for the County to adopt the final flood maps and amend its floodplain ordinance to include the new effective date of the maps. It is anticipated that staff will be presenting this action back to the Boards in early 2007 for this action. Individual mailed notices for this action will not be required at this time.

Recommendation:

Based on the recommendations of the small area plans and the text of the new Unified Development Ordinance, staff recommends the attached general and overlay zoning maps as the official zoning maps for Catawba County replacing the current zoning atlas, with exception of the 100-year floodplain overlay. The current 100-year flood maps will stay in effect until the Final Determination Letter is received from the State Division of Emergency Management and FEMA.

Attachments